IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 206 of 1999

Between:

1. Gonna Borayya Naidu, S/o Tatalu

2. Mainampati Venkateswararao, S/o Venkatayya

3. Gonna Srinivasarao, S/o Appalakonda

4. Singareddy Lakshmi, W/o Tata Naidu

5. Yetcham apparao. S/o.Kannam Naidu

6. Aakali apparao, S/o.Kondayya

7. Gonna Peda Apparao, S/o.Borayya

8. Gurram apparao, S/o.Abbai

9. Senapathi Narayana, S/o.Sanyasi

10. Padala Apparao, S/o.Pydaiah

11. Padala Peda Apparao, S/o.Pydaiah

12. Gonna Venkata Ramana, S/o. Jagannadham

13. Gonna Nooka Apparao, S/o. Jagannadham

14. Singareddi Rama Rao, S/o.Yerrayya

15. Gopisetti Suribabu, S/o.Chinna Rao

16. Gopisetti Pydiraju, S/o.Chinna Rao

17. Singareddy Srinivasa Rao, S/o.Yerrayya

18. Palli Apparao, S/o.Nookalu

19. Palli Appala Konda, S/o.Nookalu

20. Gurram Musalayya, S/o.Simhachalam

21. Senapathi Pentayya, S/o.Mahalakshmi

22. Senapathi Lakshmi, W/o.Nookaraju

23. Senapathi Venkataramana, S/o.Mahalakshmi

24. Gonna Jagannadham, S/o.Appalakonda

25. Majji Balaram, S/o.Anantayya

26. Sidagam Koteswararao, S/o.Suryanarayana

27. Gondu Nagabhushana Rao, S/o.Ramulu

28. Gonna Sanyasi Rao, S/o.Musalayya

29. Gonna Srinivasa Rao, S/o.Mahalakshmi

30. Karnam Lakshmi, W/o.Borayya

31. Palli Borra Naidu, S/o.Pydayya

32. Gummala Appala Narasamma, W/o.Apparao

33. Ellapu Ramanamma, W/o.Suryanarayana

34. Pediredla Srinu, S/o.Apparao

35. Palli Chinnam Naidu, S/o.Pydayya

36. Balireddy Ramunaidu, S/o.Apparao

37. Gonna Apparao, S/o.Appanna

38. Kandhimulla Nageswararao, S/o.Basavayya

39. Gonna Sanyasi Rao, S/o.Pydayya

40. Gonna Srinivasa Rao, S/o.Tatalu

41. Gonna Veerajagannadha Rao, S/o.Tatalu

42. Gonna Apparao, S/o.Borayya

43. Bobbari Demudamma, W/o.Tatarao

44. Matta Chandramma, W/o.Kondayya

45. Kuntchi Satyavathi, W/o.Ramana

46. Nagibilli Mahalakshmi, W/o.Chinnodu

47. Galla Apparao, S/o.Sanyasi

48. Gonna Ramana, S/o.Appanna

49. Dasari Appala Naidu, S/o.Ramulu

50. Dasari Pydamma, W/o.Kondayya

51. Gedala Varalakshmi, W/o.Apparao

52. Gonna Apparao, S/o.Appalakonda

53. Gonna Venkatarao, S/o.Nookaraju

54. Gonna Ramana, S/o.Borayya

55. Senpathi Apparao, S/o.Musalayya

56. Pediredla Ramarao, S/o.Appala Naidu

57. Gonna Nookaraju, S/o.Latchanna,
All are residing at Gonnavaripalem,
Visakhapatnam District.

..... PETITIONERS

AND

1. The District Collector, Visakhapatnam
2. The Mandal Revenue Officer, Gajuwaka Mandal,Visakhapatnam.

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ especially one in the nature of writ of Mandamus directing the respondents to issue house site pattas on such terms as are feasible and appropriate to the petitioners in respect of their holding in the extent of Ac.4 in Sy.No.215/1,4 and 5A of Agnampudi Village Gajuwaka Mandalam, Visakhapatnam District.

For the Petitioner:MR.C.SUBBA RAO, Advocate

For the Respondent No.: GP FOR ASSIGNMENT

The Court made the following :

ORAL ORDER

The petitioners-fifty seven in number, have filed this writ petition, seeking writ of mandamus to direct the respondents to issue house site pattas to them in Sy.No.215/1,4 and 5A of Agnampudi village, Gajuwaka Mandal, Visakhapatam district.

It is their case that they are not having house sites and

they are in occupation of 250 square yards of land each from 1992 onwards in Sy.No. 215/1,4 and 5A of Agnampudi village.

In the affidavit filed in support of the writ petition, it is stated that though the petitioners are in possession of 250 square yards of land each, the respondent-Government authorities are taking steps to assign only to an extent of 60 square yards each for the purpose of house sites. Further, it is their case that when their applications are pending consideration for the last several years and they are in possession of the above said land in question since 1992 onwards, the respondents shall have to consider for grant of assignment of house site pattas as per the policy notified by the Government in various Government orders. But, in the counter-affidavit filed on behalf of the respondents, it is stated that the land in Sy.No. 215/1,4 and 5A of Agnampudi village, is a Government land and in pursuance of the policy of the Government to provide house site pattas to weaker sections, the lay out was prepared and submitted to Visakhapatnam Urban Development Authorities, as required under the provisions of the A.P.Urban Areas Development Act,1975. Further, it is stated that Visakhapatnam Urban Development Authorities refused to approve the said lay out on the ground that the land in the above said survey number is part of industrial Zone as per the master plan. Further, it is stated that there is no promise at any point of time for grant of pattas to the petitioners. Further, it is stated even in the permissible area, for grant of assignment of house sites, as per the Government policy, an individual is entitled only to an extent of 60 square yards. Respondents also denied grant of any house sites to

any applicants, in the said survey number.

When the very lay out proposals are rejected by the competent authority for the purpose of carving out to the house sites, it is not open even for the respondents to grant of house sites, in the above said survey numbers. When the very lay out proposals were rejected on the ground that the land is included in the industrial zone, no positive direction can be issued by this Court for issuance of pattas in the said survey numbers. As the possession of the petitioners is not denied, it is open for the respondents to consider the change of land use in question for grant of house sites. But, at the same time, in view of the averments in the counter-affidavit, no mandamus can be issued for grant of house sites to the petitioners by this court. Further, it is needless to observe that if the petitioners are in possession, they have to be evicted only by following due process of law.

Subject to above direction, the writ petition is disposed of. No costs.

ASSISTANT REGISTRAR.

//TRUE COPY//

SECTION OFFICER.

To

1.The District Collector, Visakhapatnam
2.The Mandal Revenue Officer, Gajuwaka Mandal,Visakhapatnam.

3. Two C.D.Copies.